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OFFICE OF PETITIONS

In re Application of	:	
Puttkammer et al.	:	DECISION ON APPLICATION
Application No. 09/719,881	:	FOR
International Filing Date:	:	PATENT TERM ADJUSTMENT
June 15, 1999	:	
Atty Docket No. HENN0014UPCT-	:	
US-DA-184T	:	

This is a decision on the "37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT" filed October 26, 2007. Therein, applicants request that the patent term extension be extended by 57 days on the grounds that the Office took more than four months to respond to their reply filed March 29, 2007.

The petition is **DISMISSED**.

On September 20, 2007, the Office mailed the Determination of Patent Term Extension under 35 U.S.C. 154(b) (application filed after June 7, 1995 but prior to May 29, 2000) in the above-identified application. The Notice stated that the patent term extension to date is 0 days. Applicants assert entitlement to a period of adjustment of 57 days for examination delay.

The Patent Term Guarantee Act of 1999 amended 35 U.S.C. § 154 to include § 154(b), which provides for adjustment of patent term due to examination delay. The provisions of § 154(b) related to adjustment of patent term due to administrative delays apply only to original applications, other than designs, filed on or after May 29, 2000. The provisions do not apply to international application filed before May 29, 2000 by virtue of the requirements of 35 U.S.C. 371 having been met on or after May 29, 2000. The date on which an international application fulfills the requirements of 35 U.S.C. 371 is not the filing date, or even relevant to the filing date, of the international

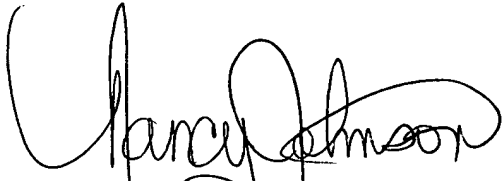
application. Section 4405 of the American Inventors Protection Act of 1999 provides that the amendments relating to patent term adjustment shall apply to any application filed on or after May 29, 2000, but does not provide that its patent term adjustment provisions apply to international applications filed before May 29, 2000, that complied with the requirements of 35 U.S.C. 371 on or after May 29, 2000. See Comment 6 to Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 54366 (September 18, 2000).

Since the international filing date of this application, June 15, 1999, is before May 29, 2000, this application is not eligible for patent term adjustment due to examination delay.

35 U.S.C. § 154 continues to provide for patent term extension for delays caused by an interference proceeding, imposition of a secrecy order or successful appellate review, in applications filed on or after June 8, 1995 and before May 29, 2000, and, as amended by the "American Inventors Protection Act of 1999," enacted November 29, 1999, as part of Public Law 106-113, of other administrative delays in applications filed on or after May 29, 2000. See 35 U.S.C. § 154(b) and 37 CFR 1.701. However, applicants do not request extension of the patent term on any of those grounds. Nor does a review of the application history reveal that this application has been subject to delay in issuance based on any of those grounds.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries with regard to this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized initial "N" and "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions